

### REMARKS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims has not changed.

### Request for Continued Examination

This Amendment is being filed with a Request for Continued Examination. **Applicant requests that the Amendment After Final Rejection submitted by facsimile on 26 April 2004 not be entered.** This Amendment is to be considered the submission required under 37 CFR § 1.114.

### Amendment to the Claims

Applicant has amended Claims 3 and 9 to recite a separate flap sheet attached to the body-side liner by point bonding at peripheral edges and at an edge disposed toward the back region of the absorbent article. Claim 18 has also been amended to recite a separate pocket sheet. Support for this Amendment can be found in the figures and at page 4, last paragraph, and page 11, last paragraph.

Applicant has amended Claim 15 to further clarify the claimed invention.

No new matter has been added to the claims by this Amendment.

**Claim Rejections - 35 U.S.C. §102**

Claims 2-3, 6-7, 9-10, 13-14, and 18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schaar, U.S. Patent 3,951,150.

Applicant's amended Claims 3, 9, and 18 recite a separate flap sheet attached directly to the fluid permeable body-side liner. Amended Claims 3 and 9 further recite that the separate flap sheet is directly attached to the body-side liner by point-bonding at opposed peripheral edges and at an edge disposed toward an absorbent article back region. The Schaar Patent discloses a flap 48 that is an extension of the diaper 26 and folded about lateral fold line 50 (Col. 4, lines 8-22). As the flap 48 is continuous with the body-side liner of the diaper, the flap 48 disclosed in the Schaar Patent is not a separate flap sheet, as in Applicant's claimed invention. The Schaar Patent does not disclose or suggest Applicant's claimed separate flap sheet, and thus independent Claims 3, 9, and 18 are not anticipated by the Schaar Patent. Claims 2, 6-7, 10, and 13-14 depend from one of amended Claims 3 and 9, and are patentable for at least the same reasons as amended Claims 3 and 9.

**Claim Rejections - 35 U.S.C. §103**

Claims 15-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman, U.S. Patent 4,738,677, in view of Igaue et al., U.S. Patent 5,114,420.

Claim 15 recites forming at least two discrete longitudinal pleats along opposed sides of a flap sheet. The longitudinal pleats define peripheral sides of a pocket between the flap sheet a body-side liner.

The Foreman Patent does not disclose or suggest at least two discrete longitudinal pleats along opposed sides of the flap sheet where the pleats define peripheral sides of a pocket between said flap sheet and the body-side liner. The Foreman Patent teaches a diaper having a second barrier cuff 262 adjacent the end edge of the diaper. (Col. 5, lines 27-32). The second barrier cuff is formed by folding the end of the second barrier cuff member back on itself and securing it to another segment of the second barrier cuff to form a tunnel. (Col. 5, lines 51-56). The Foreman Patent teaches that a spacing elastic member 77 is preferably not disposed in the tunnel of the second barrier cuff, however such a construction “is contemplated.” (Col. 5, lines 61-68). The addition of the spacing elastic member 77 along the second distal edge 266 of the second barrier cuff 262 would result in

gathering of the material of the second barrier cuff 262 along second distal edge 266, as such gathering occurs in the similarly structured first distal edge 66. (Col. 5, lines 61-68).

As discussed with the Examiner during a telephone interview on 08 January 2003, the gathering in the barrier cuff 262 neither defines a pocket nor forms peripheral sides of a pocket, as in Applicant's claimed invention. Therefore, the Foreman Patent does not disclose or suggest Applicant's claimed invention. The Igaue et al. Patent teaches gathered material, but only in the leg regions of a diaper, and does not disclose or suggest forming longitudinal pleats that define peripheral sides of a pocket between the flap sheet and a body-side liner, as in Applicant's Claim 15.

Applicant respectfully asserts that the Foreman Patent and the Igaue et al. Patent, neither alone nor in combination, do not render Applicant's invention of Claim 15 obvious in the manner required by 35 U.S.C. 103(a).

### **Claim Rejections - 35 U.S.C. §103**

Claims 4, 5, 11, and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schaar, U.S. Patent 3,951,150, in view of Foreman, U.S. Patent 4,738,677.

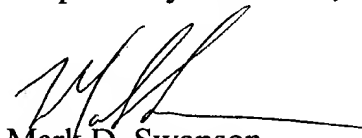
Claims 4 and 5 depend from amended Claim 3, and Claims 11 and 12 depend from amended Claim 9, and are thus patentable for at least the same reasons as amended Claims 3 and 9, respectively, discussed above. The combination of the Schaar Patent and the Foreman Patent does not disclose or suggest a separate flap sheet, as in Applicant's claimed invention.

### Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



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